

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TROY LEE MULLNER,

Petitioner

v.

JOHNSON, et al.,

Respondents

Case No.: 2:20-cv-00535-JAD-BNW

**Order Lifting Stay, Granting Motion to
Seal and Granting Extension of Time to
Respond to Second Amended Petition to
February 19, 2024**

[ECF Nos. 48, 52]

I previously granted Troy Lee Mullner a stay in this habeas matter pending completion of the Federal Public Defender’s investigation of his case, and the case was administratively closed.¹ Mullner has now filed a second amended petition, and he moves for leave to file an exhibit under seal.² While there is a presumption favoring public access to judicial filings and documents,³ a party seeking to seal a judicial record may overcome the presumption by demonstrating “compelling reasons” that outweigh the public policies favoring disclosure.⁴ In general, “compelling reasons” exist where the records may be used for improper purposes.⁵ Here, Mullner asks to file his psychiatric evaluation under seal in order to protect his privacy rights under Title I of the Health Insurance Portability and Accountability Act of 1996. The need

¹ ECF No. 36.

² ECF No. 48.

³ See *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978).

⁴ *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006) (citations omitted).

⁵ *Id.* at 1179 (citing *Nixon*, 435 U.S. at 598).

1 to protect medical privacy qualifies as a “compelling reason” to seal records.⁶ I have reviewed
2 the report and conclude that Mullner has demonstrated compelling reasons to file it under seal.
3 So I grant the motion, and the psychiatric evaluation will remain under seal.

4 Respondents also ask the court for an extension of time to file a response to the second
5 amended petition, which Mullner does not oppose.⁷ Good cause appearing, I grant the extension.

6 IT IS THEREFORE ORDERED that **THE STAY IS LIFTED**, and the Clerk of Court is
7 directed to **REOPEN THE FILE** in this action.

8 IT IS FURTHER ORDERED that petitioner’s motion for leave to file exhibit under seal
9 **[ECF No. 48] is GRANTED.**

10 IT IS FURTHER ORDERED that respondents’ unopposed motion for extension of time
11 to file a response to the second amended petition **[ECF No. 52] is GRANTED *nunc pro tunc*.**
12 **The deadline to file the response is extended to February 19, 2024.**

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15 U.S. District Judge Jennifer A. Dorsey
Dated: February 14, 2024

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22 ⁶ See, e.g., *Williams v. Nevada Dept. of Corrections*, 2:13-cv-00941-JAD-VCF, 2014 WL
23 3734287 at *1 (D. Nev. July 29, 2014); *San Ramon Reg’l Med. Ctr., Inc. v. Principal Life Ins.*
Co., 2011 WL 89931, at *1 n.1 (N.D. Cal. 2011).

⁷ ECF No. 52.